UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,766	12/26/2001	Jeffrey Rodman	199-0032US	5760

			EXAMINER
29855	7590	09/27/2006	PWU, JEFFREY C

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/032,766	RODMAN ET AL.
	Examiner	Art Unit
	Jeffrey C. Pwu	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>42-65</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>42-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 7/21/06 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 42-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker

(US 2003/0035527).

Baker teaches claims:

42. (new) A conference endpoint comprising:

• a CPU; (202)

• a telephone line interface for coupling said conference endpoint to a telephone line; (20,

Fig.1A, 10A, 10B, 10C)

• a network interface for coupling said conference endpoint to a computer network; (Fig. 1A)

• a microphone for generating near speech signals for transmission over said telephone line, said near speech signals being representative of speech of a near conference participant; (112, ¶ [0032])

• a speaker for converting to sound remote speech signals received from a remote device over said telephone line, said remote speech signals being representative of speech of at least one remote conference participant; (118, ¶ [0032])

• a data conference initiation module, coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request to a conference server over said computer network, for receiving a data conference code generated by said conference server, and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code; and (¶ [0033])

• a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory. (¶ [0033])

43. (new) The conference endpoint of claim 42, wherein said data conference initiation module transmits said conference initiation request in response to a predetermined user input. (604)

44. (new) The conference endpoint of claim 42, further comprising a display device coupled to said network interface for displaying said conference data. (106)

45. (new) The conference endpoint of claim 42, wherein said conference data comprises video information. (122)

4b. (new) The conference endpoint of claim 42, wherein the data conference initiation module is further configured to transmit a conference join request to said conference server over said computer network responsive to a received conference invitation. (604)

47. (new) The conference endpoint of claim 42, wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF). (¶ [0024])

48. (new) The conference endpoint of claim 42, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information. (¶ [0037])

49. (new) T1w conference endpoint of claim 42, wherein said data conference initiation module is further configured for transmitting over said computer network a data conference invitation to said remote device. (Fig.5; 410, 420)

50. (new) A method for initiating and managing a data conference from a near conference

endpoint, comprising: establishing a connection over a telephone line with at least one remote

conference endpoint; transmitting a data conference initiation request to a conference server over

a computer network:

receiving from the conference server a unique data conference code corresponding to said data

conference initiation request; generating an audio signal representative of said conference code;

transmitting said audio signal to said at least one remote conference endpoint over said telephone

network; and receiving one or more files containing conference data distributed by said

conference server via said computer network during said data conference. (Claims 50-60 are

similarly rejected as in claims 42-49)

51. (new) The method of claim 50, wherein the act of generating an audio code comprises

generating a string of DTMF tones. (Claim 51 is similarly rejected as in claims 42-49)

52. (new) The method of claim 50, wherein the act of transmitting a data conference initiation

request is predetermined in response to a predetermined user input. (Claim 52 is similarly

rejected as in claims 42-49)

53. (new) A method for initiating and managing a data conference at a conference server, the

method comprising the acts of: receiving a conference initiation request from a conference

endpoint over a computer network; generating a conference code in response to said conference

initiation request; transmitting said conference code to said conference endpoint over the

computer network; maintaining a list of data conference participants based on received data

conference join requests from one or more conference endpoints; and distributing one or more

files comprising conference data to said data conference participants over said computer

network. (Claim 53 is similarly rejected as in claims 42-49)

54. (new) The method of claim 53, wherein the act of distributing one or more

files comprising conference data comprises transmitting a web page. (410)

55. (new) The method of claim 53, wherein said conference data is representative of a document.

(¶ [0021])

56. (new) The method of claim 53, wherein said conference data is representative of a

presentation slide. (slide 200)

57. (new) The method of claim 53, further comprising the act of converting at least one of said

one or more files from a first format to a second format. (¶ [0033])

58. (new) A machine readable medium having embodied thereon a program, the program being

executable by a machine to perform method acts for coordinating a data conference utilizing

electronic means, the method acts comprising: transmitting a data conference initiation request to

a conference server over a computer network; receiving a conference code from said conference

server over said computer network in response to said data conference initiation request;

generating an audio signal representative of said conference code; transmitting said audio signal

to at least one conference endpoint over a telephone line; and transmitting one or more files

comprising conference data to said conference server for distribution to said at least one

conference endpoint via said computer network during said data conference. (claim 58 is

similarly rejected as in claim 42)

59. (new) A machine readable medium having embodied thereon a program,

the program being executable by a machine to perform method acts for coordinating a data

conference utilizing electronic means, the method acts comprising: receiving an audio signal

representative of a conference code from at least one conference endpoint over a telephone line;

transmitting a data conference join request including said conference code to a conference server

over a computer network in response to receiving said audio signal; and receiving one or more

files comprising conference data distributed by said conference server via said computer network

during said data conference. (claim 58 is similarly rejected as in claim 42)

60. (new) A conference endpoint comprising:

a CPU;

a telephone line interface for coupling said conference endpoint to a telephone line;

a network interface for coupling said conference endpoint to a computer network;

a microphone for generating near speech signals for transmission over said telephone line, the

near speech signals being representative of speech of a near conference participant;

a speaker for converting to sound remote speech signals received from a remote device over said

telephone line, the remote speech signals being representative of speech of at least one remote

conference participant;

a data conference initiation module coupled to said network interface and to said telephone line

interface and configured to receive over said telephone line interface from a remote conference

endpoint a data conference invitation including information representative of a data conference

code and further configured to transmit a data conference join request to a conference server over

said computer network in response to the received conference invitation; and

a memory for storing one or snore files containing conference data distributed by said conference

server via said computer network during a data conference, wherein said CPU is coupled to said

telephone line interface, said network interface, said data conference initiation module, and said

memory. (claim 58 is similarly rejected as in claim 42)

61. (new) The conference endpoint of claim 60, further comprising a display device coupled to

said network interface for displaying said conference data. (claim 61 is similarly rejected as in

claims 42-48)

62. (new) The conference endpoint of claim 60, wherein said conference data comprises video

information. (claim 62 is similarly rejected as in claims 42-48)

63. (new) The conference endpoint of claim 60, wherein said data conference invitation comprises a string of dual tone multi-frequency (DTMF) tones. (claim 63 is similarly rejected as in claims 42-48)

64. (new) The conference endpoint of claim 60, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information. (claim 64 is similarly rejected as in claims 42-48)

65. (new) The conference endpoint of claim 60, wherein said data conference initiation module is further configured for receiving over said computer network a data conference invitation from said remote conference endpoint. (claim 65 is similarly rejected as in claims 42-48)

Response to Arguments

4.   Applicant's arguments with respect to claims 42-65 have been considered but are moot in view of the new ground(s) of rejection.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/21/06

**JEFFREY PWU
PRIMARY EXAMINER**